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Get the good guys

Bad guys escape in the CIA bill

By Jeff Greenfield

Suppose two former agents of the Central Intelligence Agency decided to get rich by putting their deadly skills at the service of a sworn enemy of the United States. Suppose they used their contacts within the CIA and the Green Berets to obtain weapons, high-technology devices and experts in killing to train terrorists for this hostile nation. Suppose some enterprising journalists got wind of this conspiracy and began publishing exposes.

What should the government do? Depending upon the outcome of a forthcoming congressional debate, the answer could be: bring criminal charges against the journalists. That's right — the journalists.

In recent years, concern has grown over the practice of revealing the identities of former intelligence agents of the United States, a practice exemplified by renegade CIA operative Philip Agee, who now lives in Europe and regularly publishes such material. Unquestionably, Agee means to harm the interests of the United States; and few quarrel with the government's right to restrict the activities of government employees with access to classified information.

In its zeal to put a stop to such activities, however, the House of Representatives passed a bill which would make it a crime for anyone — ex-agent and reporter alike — to reveal the identity of present or former agents. This bill would apply whether a reporter got his information from classified data or by ferreting out the information from public sources. It would apply whether there was any intention to harm the intelligence activities of the United States or not.

It would even apply if reporters were exposing former agents who had turned on their own country. This is, in fact, no hypothetical case. Two former CIA operatives — now fugitives — are under indictment for bringing large quantities of men and materiel to Libya and training terrorists.

What is the government's business of arming the minions of Col. Moammar Khadafy with a touch

seem to be the case. It's words, not deeds, that have officialdom worried.

A year and a half ago, in fact, the Supreme Court ordered former CIA agent Frank Snepp to turn over to the government all of the profits from an expose he wrote. Although Snepp revealed no classified data, he had violated a contract he had signed to let the agency clear all of his writing.

And even without a contract, the court held, any government employee could be said to have an "implied" contract with the government, barring him from revealing what he had learned. Just this week, a Justice Department official warned all former government officials to clear their memoirs with the Reagan administration before publication or face federal suits.

When it comes to real, as opposed to published, dynamite, however, the folks in Washington seem positively complacent. Earlier this month, former CIA Deputy Director Vernon Walters said, "There's no way you can say 'You can't do business abroad.'" Forbidding one-time agents from selling weapons abroad, he said, "would be a restriction on the individual's freedom." (Mr. Walters' view, might have something to do with the fact that he earned \$300,000 in 1980 from brokering a legal arms sale to Morocco.)

All this suggests an inventive reading of the Constitution. Reporters and former government employees can be kept from exposing acts which harm the interests of the United States. But when it comes to teaching the most fanatical enemies of our country the tools of bombing, commando warfare and hijacking, the Bill of Rights reigns supreme. And should any intrepid reporter stumble across former agents helping Libya concoct an assassination plot against America or its allies, it is the reporters — not the trained killers — who might feel the force of official wrath.

I suppose there's some consolation in all this. For years, journalists have bemoaned the futility of their craft. What is a news story or broadcast report, they complain, compared to the force of arms? Now we can stop worrying. Based on the impact of